

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DONALD R. KNIGHT, JR.
Petitioner,

v.

STATE OF TENNESSEE
Respondent.

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No. 3:11-0649
Judge Sharp

O R D E R

In accordance with the Memorandum contemporaneously entered, the Court finds merit in the respondent's Motion to Dismiss (Docket Entry No.12). Therefore, said Motion is GRANTED and this action is hereby DISMISSED as untimely. Rule 8(a), Rules -- § 2254 Cases.

Should the petitioner file a timely notice of appeal from this order, such notice shall be treated as an application for a certificate of appealability, 28 U.S.C. § 2253(c), which will NOT issue because the petitioner has been unable to make a substantial showing of the denial of a constitutional right.

Entry of this order shall constitute the final judgment in this action.

It is so ORDERED.

Kevin H. Sharp

Kevin H. Sharp
United States District Judge